

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

WILBUR ENSLEY, ET AL.,)
)
)
Plaintiffs,)
)
v.) **Civil Action No. 3:17-CV-024**
)
)
CITY OF RICHMOND,)
ET AL.,)
)
Defendants.)

NOTICE OF SUPPLEMENTAL AUTHORITY

In reviewing court documents from *United States v. Archer*, No. 3:09-cr-436 (E.D. Va.), noted by the Court in Doc. No. 47 for this action, undersigned counsel have come to realize that *United States v. Fisher*, 711 F.3d 460 (4th Cir. 2013), may affect a decision cited in their most recent Rule 12 filings, namely *United States v. Murphy*, 380 F. App'x 344, 345 (4th Cir. 2010) (A Fourth Amendment violation “would not undermine [a defendant’s] guilty plea because a plea is an admission of past conduct and does not depend on the seized evidence.”).

Undersigned counsel note that neither Westlaw nor Lexis list negative treatment of the *Murphy* decision, which was cited favorably as recently as last year. *See McManus v. United States*, No. 1:12-CR-174-1, 2016 WL 1735883, at *2 n.5 (M.D.N.C. May 2, 2016). There are also important distinctions between *Fisher* and this action. However, *Fisher* may alter *Murphy*'s categorical holding. Undersigned counsel wanted to bring this to the Court's attention.

Respectfully Submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/

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